

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FOAM SUPPLIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05CV01772 CDP
	)	
THE DOW CHEMICAL COMPANY,	)	Honorable Catherine D. Perry
	)	
Defendant.	)	

**DOW'S MOTION FOR LEAVE TO FILE A SURREPLY IN OPPOSITION TO  
PLAINTIFF'S SECOND MOTION FOR LEAVE TO AMEND THE COMPLAINT**

Pursuant to Local Rule 4.01(c), Defendant, The Dow Chemical Company, respectfully requests leave to file the enclosed three page surreply so that Dow may respond to one new, significant, and highly misleading argument contained in Foam Supplies, Inc.'s Reply to Dow's Memorandum in Opposition to FSI's Motion for Leave to Amend Complaint. Dow recognizes that surreplies are discouraged, but could not have previously addressed FSI's new argument, FSI having waited until its reply brief to support its effort to amend its tortious interference claim with an assertion that FSI has every reason to know is demonstrably false. Accordingly, Dow respectfully requests leave to file the accompanying brief surreply attached hereto as Exhibit 1.

Dated: November 21, 2007

BY: /s/ Glenn E. Davis

Glenn E. Davis (#2940)  
Craig Moore (#498939)  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square  
211 North Broadway, Suite 2600  
St. Louis, MO 63102-2740  
Telephone: 314-621-5070  
Facsimile: 314-612-2241

gdavis@armstrongteasdale.com  
[cmoore@armstrongteasdale.com](mailto:cmoore@armstrongteasdale.com)

*Attorneys for Defendant The Dow Chemical Company*

Bernard Taylor (#6278581)  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, IL 60601  
Telephone: 312-861-2000  
Facsimile: 312-861-2200

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2007, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

John J. Gazzoli, Jr.  
Brett K. Gorman  
Theresa A. Phelps  
SCHMIEDESKAMP AND ROBERTSON  
7700 Bonhomme, Suite 510  
St. Louis, MO 63105  
Telephone: 314-725-0030  
[jgazzoli@srnm.com](mailto:jgazzoli@srnm.com)  
[bgorman@srnm.com](mailto:bgorman@srnm.com)  
[tphelps@srnm.com](mailto:tphelps@srnm.com)  
*Attorneys for Plaintiff Foam Supplies, Inc.*

/s/ Glenn E. Davis